

Senate File 2310

H-8246

1 Amend the amendment, H-8240, to Senate File 2310, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 3, through page 9, line 20, and
4 inserting:

5 <___. Page 1, before line 1 by inserting:

6 DIVISION I

7 ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS>

8 ___. Page 2, line 4, by striking <a.>

9 ___. Page 2, by striking lines 20 through 28.

10 ___. Page 2, line 31, by striking <The provisions of
11 subsection 5> and inserting:

12 <(1) The offer and teach requirements of subsection 5,
13 paragraphs "a" through "e" and "g" through "j",>

14 ___. Page 2, line 35, by striking <(1)> and inserting <(a)>

15 ___. Page 3, line 4, by striking <(2)> and inserting <(b)>

16 ___. Page 3, after line 6 by inserting:

17 <(2) Notwithstanding subparagraph (1), unnumbered paragraph
18 1, if either subparagraph (1), subparagraph division (a) or
19 (b), apply, a school district or accredited nonpublic school
20 may exceed the limitation specified in subparagraph (1),
21 unnumbered paragraph 1, to provide world language, personal
22 finance literacy, and computer science coursework online
23 in accordance with paragraph "c" and the offer and teach
24 requirements of subsection 5, paragraphs "f" and "k", and any
25 such requirement as may be established under subsection 5 for
26 computer science, shall not apply.>

27 ___. Page 3, line 7, after <may> by inserting <at the
28 discretion of the department>

29 ___. Page 3, line 8, by striking <5> and inserting <5,
30 paragraphs "a" through "e" and "g" through "j",>

31 ___. Page 3, line 12, by striking <the requirements of
32 subsection 5> and inserting <such requirements>

33 ___. Page 3, line 15, by striking <5> and inserting <5,
34 paragraphs "a" through "e" and "g" through "j",>

35 ___. Page 3, line 20, by striking <(1) or (2)> and inserting

1 <(1), (2), or (3)>

2 _____. Page 3, line 27, by striking <either> and inserting
3 <any>

4 _____. Page 4, after line 6 by inserting:

5 <(3) An online learning platform offered, subject to the
6 initial availability of federal funds, by the department in
7 collaboration with one or more area education agencies or in
8 partnership with school districts and accredited nonpublic
9 schools. The online learning platform may deliver distance
10 education to secondary students, including students receiving
11 independent private instruction as defined in section 299A.1,
12 subsection 2, paragraph "b", competent private instruction
13 under section 299A.2, or private instruction by a nonlicensed
14 person under section 299A.3, provided the coursework offered
15 by the online learning platform is taught and supervised by
16 a teacher licensed under chapter 272 who has online learning
17 experience and the course content meets the requirements
18 established by rule pursuant to section 256.7, subsection 32,
19 paragraph "c". The department and the area education agencies
20 operating online learning programs pursuant to section 273.16
21 shall coordinate to ensure the most effective use of resources
22 and delivery of services. Federal funds, if available, may
23 be used to offset what would otherwise be costs to school
24 districts for participation in the program.>

25 _____. Page 4, by striking line 11 and inserting:

26 <c. ~~Private providers utilized to provide courses by~~ Courses
27 provided by private providers to a school>

28 _____. Page 5, after line 25 by inserting:

29 <Sec. _____. Section 279.10, Code 2020, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 3. a. For the school year beginning July
32 1, 2020, and ending June 30, 2021, any instruction provided in
33 accordance with a return-to-learn plan submitted by a school
34 district or accredited nonpublic school to the department of
35 education in response to a proclamation of a public health

1 disaster emergency, issued by the governor pursuant to section
2 29C.6 and related to COVID-19, shall be deemed to meet the
3 requirements of subsection 1, regardless of the nature,
4 location, or medium of instruction if the return-to-learn plan
5 contains the minimum number of days or hours as required by
6 subsection 1.

7 *b.* This subsection is repealed on July 1, 2021.>

8 _____. Page 5, after line 26 by inserting:

9

<DIVISION ____

10 TEMPORARY FLEXIBILITY FOR USE OF CERTAIN MONEYS BY SCHOOL

11 DISTRICTS TO PROVIDE ADDITIONAL INSTRUCTIONAL TIME

12 Sec. _____. PROFESSIONAL DEVELOPMENT MONEYS AND HOURS

13 REQUIREMENTS FOR ADDITIONAL INSTRUCTIONAL TIME FOR THE

14 2020-2021 SCHOOL YEAR. Notwithstanding section 257.10,

15 subsection 10, and the professional development requirements

16 of chapter 284, for the school year beginning July 1, 2020,

17 and ending June 30, 2021, the moneys calculated and paid to

18 the school district for professional development pursuant to

19 section 257.10, subsection 10, or section 257.37A, subsection

20 2, to provide thirty-six hours of professional development

21 opportunities held outside of the minimum school day, may

22 instead be used by a school district to provide instructional

23 time to the school calendar in addition to the amount of

24 instructional time required under section 279.10, subsection 1,

25 and the thirty-six-hour professional development requirement

26 of chapter 284 shall be reduced by such number of hours of

27 additional instructional time.

28 Sec. _____. DISTRICT MANAGEMENT LEVY FUND — PERMISSIBLE USES

29 BUDGET YEAR 2020-2021.

30 1. For the school budget year beginning July 1, 2020, and

31 ending June 30, 2021, unencumbered moneys remaining in the

32 district management levy fund under section 298A.3 at the

33 end of the budget year beginning July 1, 2019, and ending

34 June 30, 2020, and the taxes certified for levy before the

35 effective date of this Act under section 298.4 and deposited in

1 the district management levy fund for the school budget year
2 beginning July 1, 2020, and ending June 30, 2021, in addition
3 to the purposes authorized under section 298.4, may be expended
4 by a school district to provide additional instructional time
5 to the school calendar in excess of the amount of instructional
6 time required under section 279.10, subsection 1, during the
7 school year beginning July 1, 2020, and ending June 30, 2021.

8 2. The board of directors of a school district,
9 notwithstanding the budget amendment requirements of chapters
10 24 and 257, may authorize the expenditure of specified district
11 management levy funds for purposes specified in subsection 1
12 by resolution of the board specifying the amount to be used
13 and the purposes from which the funds will be reallocated, if
14 the resolution of the board is approved and filed with the
15 department of education on or before June 30, 2021.

16 DIVISION ____

17 TEMPORARY FLEXIBILITY FOR CERTAIN EDUCATIONAL INSTRUCTIONAL AND
18 POLICY REQUIREMENTS

19 Sec. ____ . OPEN ENROLLMENT — EXTENSION OF NOTIFICATION
20 DEADLINE FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding
21 section 282.18, subsection 2, paragraph "a", for the school
22 year commencing July 1, 2020, a parent or guardian shall have
23 until July 15, 2020, to notify to the district of residence and
24 the receiving district, on forms prescribed by the department
25 of education, that the parent or guardian intends to enroll
26 the parent's or guardian's child in an online public school
27 in another school district, if the child, another resident of
28 the child's residence, or a regular caretaker of the child
29 has a significant health condition that increases the risk
30 of COVID-19. The notification shall include the name of the
31 person with the health condition, specify the person's health
32 condition, include written verification of the health condition
33 from the person's physician or licensed health care provider
34 and, for persons other than the child, whether the person with
35 the health condition is a resident of the child's residence

1 or the child's regular caretaker. Section 282.18, subsection
2 3, shall not apply to a notification submitted in accordance
3 with this section. Notwithstanding section 282.18, subsection
4 2, paragraph "b", the superintendent of the receiving school
5 district is authorized to approve a notification received
6 under this section. Within fourteen days of receipt of such
7 notification, the superintendent shall notify the parent or
8 guardian and the school district of residence that the request
9 has been approved or denied. If the notification has been
10 denied or if further review is required, the superintendent
11 shall provide the parent or guardian with an explanation of
12 the approval process and expected timeline for the review. A
13 decision to deny a request submitted under this section is
14 subject to appeal under section 290.1. The state board shall
15 exercise broad discretion to achieve just and equitable results
16 that are in the best interest of the affected child. This
17 section is not intended to extend the provisions of section
18 282.18, subsection 2, paragraph "a", for enrollment in a
19 physical school district.

20 Sec. ____ . SCHOOL DISTRICT DUTIES RELATING TO PRIVATE
21 INSTRUCTION AND AN ONLINE LEARNING PROGRAM FOR THE 2020-2021
22 SCHOOL YEAR.

23 1. For the school year commencing July 1, 2020, all of the
24 following shall apply:

25 a. Each school district shall provide to children receiving
26 competent private instruction available texts or supplementary
27 materials on the same basis as they are provided to enrolled
28 students and shall provide available texts or supplemental
29 instructional materials on the same basis as they are provided
30 to enrolled students when a child is under dual enrollment or
31 in a home school assistance program.

32 b. Each school district shall offer an assistance program
33 for parents, guardians, or legal or actual custodians providing
34 private instruction to a child of compulsory attendance age.

35 2. The provisions of this section shall only apply to

1 children who are enrolled in a school district's home school
2 assistance program by the child's parent, guardian, or legal or
3 actual custodian.

4 Sec. _____. SCHOOL DISTRICT CLOSURES DURING THE 2020-2021
5 SCHOOL YEAR. For the school year beginning July 1, 2020, and
6 ending June 30, 2021, if the governor proclaims a public health
7 disaster pursuant to section 29C.6, the board of directors of a
8 school district may authorize closure of the school district
9 or any school district attendance center due to an outbreak
10 of COVID-19 in the school district or any school district
11 attendance center. School districts are encouraged to follow
12 guidelines issued by the centers for disease control and
13 prevention of the United States department of health and human
14 services and may consult with the local board of health when
15 determining social distancing measures or authorizing a school
16 closure.

17 Sec. _____. INSTRUCTIONAL TIME PROVISIONS FOR SCHOOL
18 DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS FOR THE 2020-2021
19 SCHOOL YEAR.

20 1. Notwithstanding any other provision of law to the
21 contrary, the instructional time requirements of section
22 279.10, subsection 1, and the minimum school day requirements
23 of section 256.7, subsection 19, shall not be waived any time
24 during the school year beginning July 1, 2020, and ending June
25 30, 2021, for school closure due to the COVID-19 pandemic
26 unless the school district or the authorities in charge of the
27 accredited nonpublic school, as appropriate, provide compulsory
28 remote learning, including online learning, electronic
29 learning, distance learning, or virtual learning.

30 2. If the board of directors of a school district or
31 the authorities in charge of an accredited nonpublic school
32 determines any time during the school year beginning July
33 1, 2020, and ending June 30, 2021, that a remote-learning
34 period is necessary, the school board or the authorities, as
35 appropriate, shall ensure that teachers and other necessary

1 school staff are available during the remote-learning period to
2 support students, to participate in professional development
3 opportunities, and to perform other job-related functions
4 during the regular, required contract hours, even if the
5 accessibility to or by the teachers and other necessary school
6 staff is offered remotely through electronic means.

7 Sec. _____. TRUANCY REQUIREMENTS FOR THE 2020-2021 SCHOOL
8 YEAR. In addition to the provisions of chapter 299, a
9 child who is enrolled in a school district or accredited
10 nonpublic school but who does not participate in compulsory
11 remote-learning opportunities, including online learning,
12 electronic learning, distance learning, or virtual learning,
13 offered by the school district or accredited nonpublic school
14 of enrollment during a period of school closure implemented any
15 time during the school year beginning July 1, 2020, and ending
16 June 30, 2021, due to the COVID-19 pandemic shall be considered
17 truant. This section is not applicable to a child who was
18 receiving competent private instruction or independent private
19 instruction in accordance with the requirements of chapter
20 299A, whose parent, guardian, or legal custodian notified the
21 school district prior to July 1, 2019. Any child who was
22 enrolled in a public school or accredited nonpublic school
23 prior to July 1, 2019, may be subject to the provisions of
24 chapter 299 if the child's parent, guardian, or legal custodian
25 did not, for the school year beginning July 1, 2020, complete
26 and send the report required under section 299.4 to the school
27 district of residence of the child in a timely manner.

28 Sec. _____. TEACHER ENDORSEMENT WAIVER FOR THE 2020-2021
29 SCHOOL YEAR. For the school year beginning July 1, 2020, and
30 ending June 30, 2021, notwithstanding any provision to the
31 contrary, if a school district or accredited nonpublic school
32 has made every reasonable and good-faith effort to employ a
33 teacher licensed under chapter 272 who holds an endorsement for
34 a specified grade level or subject area and is unable to employ
35 a teacher with the appropriate endorsement, and the school

1 student enrolled in a school district or accredited nonpublic
2 school notifies the school district or accredited nonpublic
3 school in writing that the student, another resident of the
4 student's residence, or a regular caretaker of the student
5 has a significant health condition that increases the risk of
6 COVID-19, the school district or accredited nonpublic school
7 shall make reasonable accommodations for the student, on a
8 case-by-case basis, to attend school through remote learning.
9 The provision of special education and accommodations for
10 students who have individualized education programs or
11 section 504 plans in compliance with the requirements of
12 section 504 of the Rehabilitation Act, 29 U.S.C. §794, and
13 with Tit. II of the Americans with Disabilities Act, 42
14 U.S.C. §12131-12165, will be determined by each respective
15 individualized education program team or section 504 team.
16 The notification shall include the name of the person with
17 the health condition, specify the person's health condition,
18 include written verification of the health condition from the
19 person's physician or licensed health care provider and, for
20 persons other than the student, whether the person with the
21 health condition is a resident of the student's residence
22 or the student's regular caretaker. A school district or
23 an accredited nonpublic school may collaborate with an area
24 education agency or another school district or accredited
25 nonpublic school to provide remote learning opportunities to a
26 student who meets the requirements of this section.

27 5. Notwithstanding section 256.7, subsection 32; section
28 256.9, subsection 55; section 256.43; or any other provision to
29 the contrary, a school district or accredited nonpublic school
30 may provide instruction primarily over the internet if such
31 instruction is provided in accordance with a return-to-learn
32 plan submitted by the school district or school to the
33 department of education in response to a proclamation of a
34 public health disaster emergency, issued by the governor
35 pursuant to section 29C.6 and related to COVID-19, without

1 regard to whether the school or school district is approved to
2 provide instruction primarily over the internet. Instruction
3 provided pursuant to this section shall be provided by teachers
4 licensed pursuant to chapter 272 and shall assure and maintain
5 evidence of alignment of the courses with the Iowa core and
6 core content requirements and standards.>

7 _____. Title page, by striking lines 1 through 4 and inserting
8 <An Act relating to educational instructional requirements and
9 funding flexibility.>>

10 2. By renumbering as necessary.

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